

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Juan Barragan,

Case No. 2:21-cv-02065-JAD-VCF

Plaintiff

V.

Estate of Robert Hoch,

Defendant

Order Granting Unopposed Motion to Dismiss

[ECF Nos. 35]

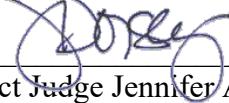
This action—by Juan Barragan and now against the Estate of Robert Hoch—arises from accident in which Barragan’s vehicle rolled over. Though Barragan was cited for driving at for conditions and failure to stay in his lane, he alleges that Hoch was at fault and sues s estate for negligence. The estate moves to dismiss this suit *inter alia* for failure to sue, noting that Barragan has taken no action in this case since his now-withdrawn counsel the February 3, 2022, deposition of Hoch’s widow.¹ Rule 41(b) of the Federal Rules of Procedure states that “If the plaintiff fails to prosecute . . . , a defendant may move to sue the action or any claim against it.”² The deadline to oppose that motion passed without sue. Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points and briefs in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.” I apply Local Rule 7-2(d) when plaintiff’s failure to oppose this motion as his consent to grant it.

23||¹ ECF No. 35.

2 Fed. R. Civ. P. 41(b).

1 Accordingly, IT IS HEREBY ORDERED that the motion to dismiss [ECF No. 35] is
2 **GRANTED. This action is DISMISSED. The Clerk of Court is directed to ENTER**
3 **JUDGMENT accordingly and CLOSE THIS CASE.**

4 Dated: January 10, 2023

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6 U.S. District Judge Jennifer A. Dorsey

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